

EXHIBIT 1

U. S. Department of Justice
Immigration and Naturalization Service

Notice to Appear**In removal proceedings under section 240 of the Immigration and Nationality Act**

File No: A099 702 025
Case No: FAY0703000006
FIN #: 20542931

In the Matter of:

Respondent: Luis Manuel GOMEZ-DOMINGUEZ currently residing at:
1010 EAST WHATELY ROAD
OAKDALE LOUISIANA 71463
(Number, street, city state and ZIP code) (Area code and phone number)

- ☐ 1. You are an arriving alien.
☒ 2. You are an alien present in the United States who has not been admitted or paroled.
☐ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____
Executive Office for Immigration Review P.O. Box 750 Oakdale LOUISIANA 71463

(Complete Address of Immigration Court, Including Room Number, if any)

on a date to be set _____ at a time to be set _____ to show why you should not be removed from the United States based on the
(Date) (Time)
charge(s) set forth above.

RODRIGO REYES JR.
RESIDENT AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: March 12, 2007

Fort Smith, Arkansas

(City and State)

See reverse for important information

EXH 1
4/9/07
Form I-862 (Rev. 3/22/09)N

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Before:

Michael D. Boze ICA
(Signature and Title of INS Officer)

Luis M. Gomez, D.
(Signature of Respondent)

Date: 3/12/07

Certificate of Service

This Notice to Appear was served on the respondent by me on March 12, 2007, in the following manner and in compliance with section 239(a)(1)(F) of the Act:

(Date)

- ☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish/English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Luis M. Gomez, D.
(Signature of Respondent if Personally Served)

Michael D. Boze
IMMIGRATION ENFORCEMENT AGENT
(Signature and Title of Officer)

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form I-862

Alien's Name Luis Manuel GOMEZ-DOMINGUEZ	File Number Case No: FAY0703000006 A099 702 025	Date March 12, 2007
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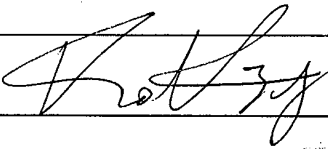
The Service alleges that you:

- A 1) You are not a citizen or national of the United States;
- A 2) You are a native of MEXICO and a citizen of MEXICO;
- A 3) You arrived in the United States at or near DOUGLAS, ARIZONA, on or about February 24, 2004;
- A 4) You were not then admitted or paroled after inspection by an Immigration Officer;
- A 5) You were, on February 26, 2007, convicted in the Circuit Court of Benton County, Arkansas for the offense of Sexual Indecency with a Child, in violation of 5-14-110-FD.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

S 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

S Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act, as amended, in that you are an alien who has been convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime.

Signature  RODRIGO REYES JR	Title RESIDENT AGENT IN CHARGE
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EXHIBIT 2

U.S. Department of Homeland Security

Notice of Intent/Decision to Reinstate Prior OrderFile No. **A099 702 025**Event No: **ECJ0709000310**FIN #: **20542931**Date: **September 30, 2007**Name: **Luis Manuel GOMEZ-DOMINGUEZ**

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR 241.8, you are hereby notified that the Secretary of Homeland Security intends to reinstate the order of **Removal** entered against you. This intent is based on the following determinations:

(Deportation / exclusion / removal)

1. You are an alien subject to a prior order of deportation / exclusion / removal entered on **April 9, 2007** at **Oakdale, Louisiana**.

(Date) (Location)

2. You have been identified as an alien who:

☒ was removed on **September 24, 2007** pursuant to an order of deportation / exclusion / removal.

(Date)

☐ departed voluntarily on _____ pursuant to an order of deportation / exclusion / removal on or after the date on which such order took effect (i.e., who self-deported).

(Date)

3. You illegally reentered the United States on or about **September 28, 2007** at or near **Tecate, California**.

(Date) (Location)

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order. You may contest this determination by making a written or oral statement to an immigration officer. You **do not** have a right to a hearing before an immigration judge.

The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the **SPANISH** language.

JOSEPH FEJARAN

(Printed or typed name of official)

(Signature of officer)

BORDER PATROL AGENT

(Title of officer)

Acknowledgment and Response

I ☐ do ☒ do not wish to make a statement contesting this determination.

09/30/07

(Date)

Luis M Gomez

(Signature of Alien)

Decision, Order, and Officer's Certification

Having reviewed all available evidence, the administrative file and any statements made or submitted in rebuttal, I have determined that the above-named alien is subject to removal through reinstatement of the prior order, in accordance with section 241(a)(5) of the Act.

September 29, 2007

(Date)

EL CAJON, CALIFORNIA

(Location)

ARNOLD S. Rhee

(Printed or typed name of official)

(Signature of authorized deciding official)

ACTING PATROL AGENT IN CHARGE

(Title)

